

### REMARKS

The instant amendment, suggested by the Examiner in telephone calls on January 11, 2006 and January 17, 2006, supplements the November 9, 2005 amendment. The November 9th amendment opts to reopen prosecution pursuant to 37 CFR § 41.50(b)(1), and to amend the claims on appeal, claims 1-4. Claims 5 and 6 were canceled before the appeal. The November 9th amendment also added claims 7-20, which are now to be canceled without prejudice. Since the November 9th amendment canceled claim 2 without prejudice, which the instant supplemental amendment reinstates as claim 21 with further amendment, claims 1, 3, 4 and 21 are accordingly now pending, claims 1 and 21 being independent. Reconsideration of the above-identified application, as amended herein and in the November 9th amendment, and in view of the remarks in the November 9th amendment and the remarks herein, is respectfully requested.

The claims are now amended to restore the respective relationships and dependencies they had at the time of appeal.

New claim 21, as mentioned above, amounts to a reinstatement of claim 2, with subsequent amendment according to the decision by the Board.

For convenience, claim 21 is listed below as if claim 2 were still in existence and amended to match claim 21, to thereby show the changes in language:

21. (New) A method for processing a packet ~~exceeding a predetermined size~~ being received from a physical layer by a MAC layer of an Ethernet, wherein the received packet is stored in a memory for an eventual transmission to a switch, the method comprising ~~the steps of~~ acts performed as said packet is received from the physical layer,

said acts comprising:

- a) storing a received portion of the packet being received from the physical layer;
- b) transmitting the stored portion to a switch;
- ~~receiving a packet from the physical layer, storing the received packet in the~~
- ~~memory, and transmitting the received packet to the switch;~~
- ~~detecting for error while receiving the packet;~~
- ~~and~~
- c) upon, and in the event of, detection of the error being detected while said portion
- is being received from the physical layer,
- i) stopping said storing, and said transmitting, of said packet being received;
- and
- ii) sending, to said switch, a signal indicating occurrence of the error and a
- signal indicating an end of said packet that is being received~~stopping the~~
- ~~storage of the error packet in the memory and the transmission of the error packet to the~~
- ~~switch without waiting for a complete reception of the error packet; and,~~
- ~~transmitting a signal indicating an occurrence of the error and a signal indicating an~~
- ~~end of the received packet to the switch.~~

Support for new claim 21 is found in the specification (e.g., page 4, lines 1-8) and in citations accompanying the claim 1 language in the quotation of claim 1 bridging pages 6 and 7 in the November 9th amendment.

Claim 2, on which claim 21 is now based, was previously rejected using the applicant's own disclosed prior art drawings as the primary reference, but this suggestion by

the Examiner is believed to be addressed in the appeal and reply briefs.

Haddock, previously applied in rejecting claim 1, fails to disclose or suggest, "... upon, and in the event of, error being detected while said portion is being received, i) stopping said storing, and said transmitting, of said packet being received from the physical layer; and ii) sending, to said switch, a signal indicating occurrence of the error and a signal indicating an end of said packet that is being received."

Instead, Haddock receives the entirety of the packet before transmitting the packet to what the Examiner referred to as a "switch."

The Examiner's Answer, in the next-to-last sentence of the last full paragraph on page 5, states, "When the MAC is transmitting to another node, it is receiving the packet from the Physical layer for transmission."

In the appeal and reply briefs, the appellant traverses this statement on page 5 of the Examiner's Answer. The applicant does not believe the line of argument in the Examiner's Answer can be sustained.

For at least all of the above reasons, Haddock fails to anticipate the invention as recited in claim 21.

For all of the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned telephone number listed below.

Respectfully submitted,

CHA & REITER

By: David J. Rosenblum  
David J. Rosenblum  
Registration No. 37,709

Date: January 18, 2006

Cha & Reiter  
210 Route 4 East, #103  
Paramus, NJ 07652  
Telephone: (201) 226-9245  
Facsimile: (201) 226-9246

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David J. Rosenblum, Reg. No. 37,709  
(Name of Registered Representative)

David J. Rosenblum 1/18/06  
(Signature and Date)